
STATUTORY INSTRUMENTS

2007 No. 3443

The Courts-Martial (Royal Navy) Rules 2007

PART 9

GENERAL MATTERS

Challenges by the accused

55.—(1) At the commencement of any proceedings, the names of the persons specified to sit as members of the court (including any person specified as a waiting member) and the names of the judge advocate and any interpreter shall be read to the accused.

(2) The accused may at any time before the opening of the prosecution case object, on any reasonable grounds, to any person whose name is read out and to any interpreter appointed.

(3) If more than one person is objected to, the objection to each shall be considered in the following order—

- (a) the judge advocate;
- (b) the president of the board;
- (c) the other members of the court;
- (d) any waiting member;
- (e) the clerk of the court; and
- (f) any interpreter.

(4) Every objection made by the accused shall be determined by the judge advocate who shall announce his decision in open court.

(5) If an objection to the judge advocate is allowed, the proceedings shall be adjourned.

(6) If an objection to the president of the board is allowed, and—

- (i) if the president of the board has been appointed under rule 52(1), the court shall be dissolved; or
- (ii) if the president of the board has been chosen under rule 52(4), the judge advocate shall direct the board to choose a new president of the board.

(7) If an objection to a member other than the president of the board is allowed, any waiting member in respect of whom no objection has been made or allowed shall take his place; and, if there is no such member, the court shall be dissolved.

(8) If an objection to the interpreter is allowed, the judge advocate shall adjourn proceedings until the court administration officer has appointed a replacement.

(9) Where the court is assembled to try two or more accused separately and one accused objects to the president of the board or to any other member of the court, the judge advocate may, if he thinks fit, adjourn the trial of that accused and proceed with the trial of the other accused only.